

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JERMAINE SMITH,	:	
	:	
Petitioner,	:	Civ. No. 14-5997 (RBK)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Respondents.	:	
	:	

Petitioner is a state prisoner currently incarcerated at the New Jersey State Prison in Trenton, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 10, 2014, the Court administratively terminated this action as petitioner failed to file his § 2254 petition on the proper form. Petitioner also did not pay the filing fee nor submit an application to proceed *in forma pauperis*. Petitioner was given thirty days to correct these deficiencies.

Petitioner has requested additional time in which to submit his application to proceed *in forma pauperis* and § 2254 petition on the proper form. In light of this filing, the Clerk will be ordered to reopen this case to consider petitioner's request.

Petitioner's request will be granted. He shall be given an additional thirty days from the date of this Order in which to either pay the \$5.00 filing fee or submit a complete application to proceed *in forma pauperis* as well as file his § 2254 petition on the proper form. The Court will order the Clerk to re-administratively terminate this case for statistical purposes only. The Court reiterates though what was said in the October 10, 2014 Order; specifically that "administrative termination is not a 'dismissal' for purposes of the statute of limitations, and that if the case is

reopened, it is not subject to the statute of limitations bar if it was originally filed timely[.]”
(Dkt. No. 2 at p. 1 (citations omitted).)

Accordingly, IT IS on this **29th** day of **October, 2014**,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that petitioner’s request for more time to submit his application to proceed *in forma pauperis* and his § 2254 petition on the proper form (Dkt. No. 3.) is granted; and it is further

ORDERED that petitioner shall file his application to proceed *in forma pauperis* (or the \$5.00 filing fee) and his § 2254 petition on the proper form within thirty (30) days of the date of this Order; and it is further

ORDERED that the Clerk shall serve this Memorandum and Order on petitioner by regular U.S. Mail; and it is further

ORDERED that the Clerk shall re-administratively terminate this case for statistical purposes only.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge